

Adopted	Rejected
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## COMMITTEE REPORT

YES:	12
NO:	1

### MR. SPEAKER:

*Your Committee on Education, to which was referred Senate Bill 391, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 2, line 9, after "(4), and" insert "**five**".
- 2       Page 4, delete lines 16 through 37, begin a new paragraph and
- 3       insert:
- 4       "SECTION 4. IC 20-1-21-4 IS AMENDED TO READ AS
- 5       FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) **A school**
- 6       **corporation shall implement subsection (b) or (c), or both.**
- 7       **(b) Not earlier than September 1 or later than September 15 of**
- 8       **each year, the governing body of a school corporation shall publish**
- 9       **a notice that is not less than eight and one-half (8 1/2) inches by**
- 10       **eleven (11) inches in size stating the following:**
- 11       **(1) That the annual performance report of the school**
- 12       **corporation, in compliance with the procedures identified in**
- 13       **section 8 of this chapter, is available.**
- 14       **(2) That the governing body will provide a copy of the annual**
- 15       **performance report to any person requesting it and the**
- 16       **address and telephone number where a person may request a**

1           copy.

2           **(3) The Internet address at which an annual performance**  
 3           **report of the school corporation that complies with section 8**  
 4           **of this chapter is available.**

5           **(4) That the governing body will mail or distribute a printed**  
 6           **report to the parents or guardians of students attending the**  
 7           **school. The mailed or distributed report must contain all**  
 8           **elements of the electronic report along with any additional**  
 9           **information the school elects to provide.**

10          **The governing body may not charge a fee for providing a copy of**  
 11          **the annual performance report. The notice must be published one**  
 12          **(1) time annually under IC 5-3-1.**

13          (c) Not earlier than September 1 or later than September 15 of each  
 14          year, the governing body of a school corporation shall publish an  
 15          annual performance report of the school corporation, in compliance  
 16          with the procedures identified in section 8 of this chapter. The report  
 17          must be published one (1) time annually under IC 5-3-1.  
 18          **Notwithstanding IC 5-3-1-1(c), the annual performance report of**  
 19          **the school corporation may include the following:**

20               **(1) Type larger than the type used in the regular reading**  
 21               **matter of the newspaper or qualified publication.**

22               **(2) Graphics.**

23               **(3) Other typographical methods to enhance the report.**

24          **However, the basic charge for publishing the annual performance**  
 25          **report remains the charge for the lines as computed with the**  
 26          **formula established in IC 5-3-1-1(b). To determine the charge for**  
 27          **publishing the annual performance report, advertising space**  
 28          **devoted to graphics, type larger than the type used in the regular**  
 29          **reading matter of the newspaper or qualified publication, and**  
 30          **other typographical methods to enhance the report shall be**  
 31          **converted to the number of lines of regular reading matter that**  
 32          **would have normally occupied the same space.**

33          SECTION 5. IC 20-1-21-5 IS AMENDED TO READ AS  
 34          FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Not later than sixty  
 35          (60) days after the publication of the report, the governing body of a  
 36          school corporation ~~may~~ **shall** conduct a ~~at least one (1) public hearing~~  
 37          **meeting** at a location within the school corporation to present and  
 38          discuss the report. The governing body may conduct the meeting in

1 conjunction with a regular meeting of the governing body.".

2 Page 5, between lines 34 and 35, begin a new paragraph and insert:

3 "SECTION 7. IC 20-3-21-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as**  
5 **provided in subsection (b), IC 20-4-10.1 does not apply to a school**  
6 **corporation or the governing body of a school corporation covered**  
7 **by this chapter. applies to a school corporation for which a referendum**  
8 **has been held:**

9 (1) ~~as required by statute; and~~

10 (2) ~~in which a majority of the votes cast approve electing the~~  
11 ~~members of the governing body.~~

12 (b) **The governing body of a school corporation covered by this**  
13 **chapter may reorganize under IC 20-4-10.1 after June 30, 2009. If**  
14 **the governing body of the school corporation reorganizes under**  
15 **this subsection, the following apply:**

16 (1) **This chapter does not apply to the manner in which the**  
17 **governing body is constituted.**

18 (2) **The manner in which the governing body is constituted is**  
19 **as provided in the plan adopted under IC 20-4-10.1.**

20 SECTION 8. IC 20-3-21-3 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The governing  
22 body of the school corporation consists of seven (7) members ~~Six (6)~~  
23 ~~members who~~ shall be elected as follows:

24 (1) On a nonpartisan basis.

25 (2) In a primary election held in the county.

26 (3) At-large by the registered voters of the entire school  
27 corporation.

28 (b) The membership shall be comprised of the following:

29 (1) ~~Each of six (6) of the members shall be elected from must~~  
30 ~~reside in one (1) of the six (6) school districts drawn~~ under  
31 section 4 of this chapter. ~~in which the members reside but who~~  
32 ~~shall, upon election and in conducting the business of the~~  
33 ~~governing body; represent the interests of the entire school~~  
34 ~~corporation.~~

35 (2) One (1) of the members ~~shall be appointed by the mayor of the~~  
36 ~~largest city contained within the school corporation. The member~~  
37 ~~must have knowledge or experience and be familiar with issues~~  
38 ~~related to school business, school finance, and school~~

~~administration. The member must have resided within the school corporation boundaries the previous five (5) years.~~ **may reside in any of the districts drawn under section 4 of this chapter.**

Upon election and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 9. IC 20-3-21-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 3.5. (a) Section 3(a)(1) of this chapter relating to election of members on the governing body on a nonpartisan basis requires the following:**

**(1) A candidate for election to the governing body may not do any of the following:**

**(A) Seek the endorsement or assistance of a political party in the candidate's election to the governing body.**

**(B) State in any campaign communications that the candidate is endorsed by a political party.**

**(2) A political party may not directly or indirectly campaign for or against a candidate for election to the governing body.**

**(b) The county election board shall impose a civil penalty on a candidate or a political party that violates subsection (a) of one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the board.**

**(c) Subject to this section, IC 3-9-4-17 applies to proceedings relating to a violation of this section.**

SECTION 10. IC 20-3-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 5. (a)** The six (6) members who are elected for a position on the governing body described under section 3(b)(1) of this chapter are determined as follows:

**(1) Each candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the members are to be elected and that includes the following information:**

**(A) The name of the candidate.**

**(B) The district in which the candidate resides.**

**(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.**

**(D) The fact that the candidate is running for a district**

1 position.

2 (E) A certification that the candidate meets the qualifications  
3 for candidacy imposed by this chapter.

4 (2) Only eligible voters residing in the school corporation may  
5 vote for a candidate.

6 (3) The candidate within each particular district who receives the  
7 greatest number of votes within the school corporation is elected.

8 **(b) The member who is elected for a position on the governing**  
9 **body described under section 3(b)(2) of this chapter is determined**  
10 **as follows:**

11 **(1) Each candidate must file a nomination petition with the**  
12 **clerk of the circuit court at least seventy-four (74) days before**  
13 **the election at which the at-large member is to be elected. The**  
14 **petition must include the following information:**

15 **(A) The name of the candidate.**

16 **(B) The signatures of at least one hundred (100) registered**  
17 **voters residing within the school corporation.**

18 **(C) The fact that the candidate is running for the at-large**  
19 **position on the governing body.**

20 **(D) A certification that the candidate meets the**  
21 **qualifications for candidacy imposed by this chapter.**

22 **(2) Only eligible voters residing in the school corporation may**  
23 **vote for a candidate.**

24 **(3) The candidate who:**

25 **(A) runs for the at-large position on the governing body;**  
26 **and**

27 **(B) receives the greatest number of votes within the school**  
28 **corporation;**

29 **is elected to the at-large position.**

30 SECTION 11. IC 20-3-21-6 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. ~~The following~~  
32 ~~applies to~~ (a) A candidate who runs for a position on the governing  
33 body

34 ~~(1) The candidate described under section 3(b)(1) of this~~  
35 ~~chapter~~ must reside within the boundaries of the school  
36 corporation

37 ~~(2) The candidate must file a nomination petition with the clerk~~  
38 ~~of the circuit court at least seventy-four (74) days before the~~

election at which the member is to be elected. The petition must include the following information:

- (A) The name of the candidate.
- (B) The signatures of at least one hundred (100) registered voters residing within the school corporation.
- (C) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.
- (3) Eligible voters residing within the boundaries of the school corporation may vote for the candidate.
- (4) The candidate who receives the greatest number of votes is elected.

district for which the candidate filed.

(b) A candidate who runs for the at-large position on the governing body described in section 3(b)(2) of this chapter must reside within the boundaries of the school corporation.

SECTION 12. IC 20-3-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The members shall be elected as follows:

- (1) Three (3) of the members elected under section 3(b)(1) of this chapter shall be elected at the primary election to be held in ~~1992~~ **2000** and every four (4) years thereafter.
- (2) Three (3) of the members elected under section 3(b)(1) of this chapter shall be elected at the primary election to be held in ~~1994~~ **2002** and every four (4) years thereafter.
- (3) **The at-large member elected under section 3(b)(2) of this chapter shall be elected at the primary election to be held in 2000 and every four (4) years thereafter.**

SECTION 13. IC 20-3-21-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. ~~Except for a member appointed under section 3(b)(2) of this chapter,~~ A vacancy on the governing body shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs."

Page 15, line 7, delete "(2)the" and insert "(2) the".

Page 16, after line 33, begin a new paragraph and insert:

"SECTION 28. [EFFECTIVE JULY 1, 1999] (a) **As used in this SECTION, "governing body" refers to the governing body of a school corporation covered by IC 20-3-21, as amended by this act.**

(b) **The successors of the members of the governing body elected**

at the 1998 primary election shall be elected at the 2002 primary election under IC 20-3-21, as amended by this act.

(c) The successors of the members of the governing body not elected at the 1998 primary election shall be elected at the 2000 primary election under IC 20-3-21, as amended by this act.

(d) This SECTION expires January 1, 2003.

SECTION 29. [EFFECTIVE JULY 1, 1999] (a) As used in this section, "city" refers to a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000).

(b) As used in this SECTION, "county election board" refers to the county election board of a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(c) As used in this SECTION, "library board" refers to the library board for a public library of a city.

(d) A local public question shall be placed on the ballot at a special election held in a city on May 2, 2000, asking voters who reside within the city whether the members of the library board should be elected by the voters in the city. The public question must read as follows:

"Shall the members of the \_\_\_\_\_ (insert the name of the city) Public Library Board be elected by the voters of the City of \_\_\_\_\_ (insert the name of the city)?"

(e) Above the public question stated in subsection (d), the county election board shall place the following statement:

"Election of the members of the Library Board requires passage of a law by the Indiana General Assembly. The results of the election are advisory only. The General Assembly is not required to act or refrain from acting based on the outcome of the vote on this question."

(f) The county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9. The county election board shall send a copy of the certification to the following:

- (1) The mayor of the city.
- (2) The members of the library board.
- (3) The speaker of the house of representatives.

- 1           **(4) The president pro tempore of the senate.**  
 2           **(g) Subject to this SECTION, IC 3-10-8 and IC 3-10-9 apply to**  
 3 **the special election required by this SECTION.**  
 4           **(h) This SECTION expires January 1, 2001.**  
 5           SECTION 30. [EFFECTIVE JULY 1, 1999] **(a) The Indiana state**  
 6 **board of education and the professional standards board shall**  
 7 **jointly develop and report to the general assembly by January 1,**  
 8 **2000, a plan to reimplement the "Academic Study of Religion in**  
 9 **Secondary Schools", which was implemented in Indiana in 1978,**  
 10 **1979, and 1980. The plan must do the following:**  
 11           **(1) Address the following:**  
 12               **(A) The training of prospective and current teachers.**  
 13               **(B) Curriculum guidelines.**  
 14               **(C) Teacher training materials.**  
 15               **(D) Student learning materials.**  
 16               **(E) Costs.**  
 17           **(2) Follow guidelines established or implied by the United**  
 18 **States Supreme Court on the teaching of religion in public**  
 19 **schools.**  
 20           **(3) Encourage variety in course programming such as**  
 21 **providing for courses to be offered as:**  
 22               **(A) self-contained units within language arts, fine arts, or**  
 23               **social studies curricula; or**  
 24               **(B) part of an integrated program in humanities studies.**  
 25           **(4) To assure constitutional application, address the need for**  
 26 **teacher consultation and professional oversight and review to**  
 27 **answer questions of interpretation and application.**  
 28           **(b) This SECTION expires July 1, 2001."**  
 29           Renumber all SECTIONS consecutively.  
           (Reference is to SB 391 as printed January 22, 1999.)

**and when so amended that said bill do pass.**

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Representative Porter